IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3010 OF 2005

Arif Ismail Saifan
R/o.165/3 Railway line,
Near Dr.Albal Eye Hospital, Solapur ...Applicant

V/s

The State of Maharashtra ...Respondent.

Shri P.R.Arjunwadkar for the Apellants.
Shri A.S.Gadkari , APP, for the State.

**CORAM**: **ABHAY S. OKA, J.**
**DATE**: 8**TH JUNE, 2005.**

**P.C**.

1. This application is for anticipatory bail. The applicant is accused alongwith others in an offence registered with Solapur Taluka Police Station, Solapur. The offence is punishable under section 420, 409 read with section 34 of the Indian Penal Code.

2. The offence has been registered in the year 1999. The applicant is the chairman of a Co-operative Society which was awarded a tender by Zilla Parishad , Solapur for supply of certain articles.

On the basis of report of a committee, F.I.R. was lodged alleging that material of inferior quality was supplied by the said society and the Government has been cheated.

3. While rejecting the application for anticipatory bail filed by the applicant, the Learned Additional Sessions Judge, Solapur has noted that the co-accused (Executive Engineer) has been released on an anticipatory bail and other contractor has been released on regular bail.

4. My attention has been invited to the order dated 1st April, 2005 passed by this Court in Criminal Application no.2068/05. It is not in dispute that the applicant in the said application is a similarly placed co-accused in the same offence.

5. Considering the aforesaid facts and taking over all view of the matter, case for grant of an anticipatory bail is made out in the facts of the present case. As held by the Apex Court, anticipatory bail can not be granted for an indefinite period.

6. Hence, I pass the following order:

**ORDER**

i. In the event of arrest of the applicant in connection with C.R.NO.22/99 registered with Solapur Taluka Police Station, Solapur (now transferred to State CID, Solapur Unit), the applicant shall be enlarged on bail on executing a Personal Bond in the sum of Rs.25,000/- (Rupees Twentyfive Thousand Only) with two local sureties in the like amount.

ii. The applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

iii. The applicant shall co-operate for the purpose of investigation in all respects by making himself available for the investigation as and when required.

iv. This order will operate till the expiry of the period of 15 days from the date of filing of the chargesheet.

**Judge**.